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R. Cox

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PATENT APPLN. TRANSMISSION
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DOCKET NO. SMEE2 13101-1-2

COMMISSIONER FOR PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

This is a request for the filing of a:

☐ Original (nonprovisional) Patent Application - 37 C.F.R. 1.53(b).

☐ Continuation Patent Application - 37 C.F.R. 1.53(b)(1).

☒ Divisional Patent Application - 37 C.F.R. 1.53(b)(1).

☐ Continuation-in-part Patent Application (C-I-P) - 37 C.F.R. 1.53(b)(2).

☐ Continued Prosecution Application (CPA) ☐ Continuation; ☐ Divisional - 37 C.F.R. 1.53(d).

Transmitted herewith for filing under 37 C.F.R. 1.53 is the patent application entitled: METHOD AND APPARATUS FOR MAKING COMMERCIAL CRUSTLESS SANDWICHES AND THE CRUSTLESS SANDWICH MADE THEREBY

☒ The inventor(s) of the subject patent application are as follows: Robert John Valenzky, Jr. and

Duane Nathan Eberhart

☒ The application is assigned to: The J.M. Smucker Company, an Ohio corporation

☐ This application is not to be published under 35 U.S.C. 122(b). It is certified that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ This patent application claims the benefit of prior application(s) under 35 U.S.C. § 119/120:

USA	10/331,031	March 2, 2001
Country	Appln. No.	Filed
USA	09/797,553	December 27, 2002
Country	Appln. No.	Filed

☐ Amend the specification by inserting before the first line the sentence: --- This patent application is a ☐ continuation, ☐ division, ☐ continuation-in-part of application Serial No. ☐ filed on ☐, and incorporated herein by reference. ---.

☐ Enter the Amendment filed on ☐ in the prior application in accordance with 37 C.F.R. 1.116.

☐ Cancel claims ☐ without prejudice.

☐ Transfer the drawings from the prior application to this application.

Enclosed are:

☒ 37 Pages of the specification, abstract and claims.

☒ 7 Sheets of drawings.

☒ Declaration or Oath.

☐ A certified copy of application(s): _____
from which priority is claimed.

☒ A preliminary amendment.

☐ New drawings.

☒ Information Disclosure Statement (37 C.F.R. 1.98).

☒ Form PTO-1449.

☐ Copies of the Form PTO-1449 citations.

☒ The Power of Attorney in the application is to:

Robert V. Vickers (Reg. No. 19,504), E. Kent Daniels, Jr. (Reg. No. 19,598),
Thomas E. Young (Reg. No. 28,924), and Brian E. Turung (Reg. No. 35,394)

a. ☐ The power is enclosed herewith.

b. ☒ The power appears in the original papers
of the prior application.

c. ☐ Recognize as associate attorney and
address all future communications to:

☒ Address all correspondence to the undersigned at the address set forth below in accordance with the Power of Attorney.

The fee has been calculated as shown below.

For	Claims as Filed			
	Number Filed	Number Extra	Rate	Basic Fee \$770.00
Total Claims	16 - 20 =	0	x \$18	\$ 0.00
Independent Claims	1 - 3 =	0	x \$86	\$ 0.00
		Total Filing Fee --->		\$770.00

☐ Assignment (\$40.00).

☒ A check in the amount of \$ 770.00 to cover the required fees is enclosed.

☒ General Authorization to Charge Deposit Account For All Required Fees, Fees Under 37 C.F.R. 1.17,

or All Required Extension of Time Fees. Should any additional fees be required in connection with this application, during the entire pendency of the application, the Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0308. This transmission form is submitted in triplicate.

FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

ROBERT W. WICKERS

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